

T5649 CAVANESS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5649
WATER RIGHT NO(S). 35-07492/35-12790

RECEIVED

MAY 08 2000

Department of Water Resources
Eastern Region

This is to certify that: **BEN CAVANESS**
895 FILLMORE
AMERICAN FALLS ID 83211

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-07492 :			
IRRIGATION	04/01 to 10/31	1.44 CFS	288.0 AF
Priority: 03/18/1975			
Right No. 35-12790 :			
IRRIGATION	04/01 to 10/31	0.51 CFS	156.0 AF
Priority: 05/25/1979			
	TOTAL:	1.44 CFS	444.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: SWSESE , Sec. 15, Township 09S, Range 28E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	28E	15	SWSE 33.8	SESE 39.4		73.2
		22	NENE 10.8	NWNE 26.8		37.6
		23	NWNW 0.2			0.2
Total number of acres irrigated:						111.0

CONDITIONS OF APPROVAL AND REMARKS

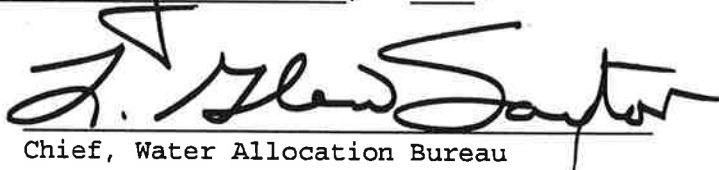
1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 5649
WATER RIGHT NO(S). 35-07492/35-12790

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
5. Rights 35-07492 and 35-12790 are diverted through the point of diversion described above.
6. Right 35-07492 is limited to the irrigation of 72 acres within place of use described above in a single irrigation season.
7. Approval of Transfer 5649 does not confirm Claimed Right 35-12790.
8. Right 35-12790 is an enlargement of Right 35-07492 pursuant to Section 42-1426, Idaho Code.
9. Rights 35-07492 and 35-12790 when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 af at the field headgate for irrigation of the lands above.
10. Right 35-12790 is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. Rights 35-07492 and 35-12790 when combined shall not exceed a total diversion rate of 1.44 cfs and the irrigation of 111 acres.

Dated this 4th day of May, 2000.


Chief, Water Allocation Bureau

50 3/10/2000

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5649

Amended

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Amended

Name of Applicant Ben Cavaness Phone (208) 226-5201Post Office address 895 Fillmore American Falls, ID 83211

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes I'm changing sprinkler systems to eliminate a corner catcher. This will slightly rearrange acres under pivot. Three acres of BLM trespass will be eliminated in the NE 1/4 Sec 15 (1 acre) and NW 1/4 Sec 15 (2 acres) T9S R28E.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>35-07492</u>	<u>3/18/1975</u>	<u>1.44 cfs</u>	<u>Irrig.</u>	<u>4/01</u> to <u>10/31</u>
<u>35-12790</u>	<u>5/25/1979</u>	<u>0.51 cfs</u>	<u>"</u>	<u>"</u> to <u>"</u>

2. Total amount of water being transferred 1.44 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	<u>SW</u>	<u>SE</u>	<u>SE</u>	<u>15</u>	<u>9S</u>	<u>28E</u>	<u>Power</u>	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>9S</u>	<u>28E</u>	<u>15</u>															<u>33.8</u>	<u>39.4</u>	<u>73.2</u>
		<u>22</u>			<u>10.8</u>	<u>26.8</u>													<u>27.6</u>
		<u>23</u>							<u>0.2</u>										<u>0.2</u>

Total Acres 111

6. General Information:

a. Description of diversion system

Well, pump + wiper pivot

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Not irrigated - BLM

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

Claim No. 35-12790

CONDITIONS/REMARKS:

3. USE OF THIS RIGHT WITH RIGHT NO. 35-07492 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.44 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 444 AF.
4. USE OF THIS RIGHT WITH RIGHT NO. 35-07492 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 111 ACRES IN A SINGLE IRRIGATION SEASON.
5. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-07492 PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. RIGHT NO. 35-07492 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
7. THIS RIGHT IS FOR AN ENLARGEMENT OF 39 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

PART 2

TRANS NO. 5649

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 35-07492

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	1.44 CFS

SOURCE

GROUNDWATER

Priority: 03/18/1975

LOCATION OF POINT(S) OF DIVERSION:SWSESE , Sec. 15, Township 09S, Range 28E
POWER CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE				
				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
09S	28E	15	:															33	37	70.0
09S	28E	22	:	14		22			02							01	02			41.0
TOTAL ACRES																			111.0	

CONDITIONS/REMARKS:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Claim No. 35-07492

CONDITIONS/REMARKS:

3. USE OF THIS RIGHT WITH RIGHT NO. 35-12790 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.44 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 444 AF.
4. USE OF THIS RIGHT WITH RIGHT NO. 35-12790 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 111 ACRES IN A SINGLE IRRIGATION SEASON.
5. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 72 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. RIGHT NO. 35-12790 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
6. RIGHT NO. 35-12790 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

Describe any other water rights used for the same purpose as described above:

See 35-12790To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

PART 3

B. CHANGES IN NATURE OF USE

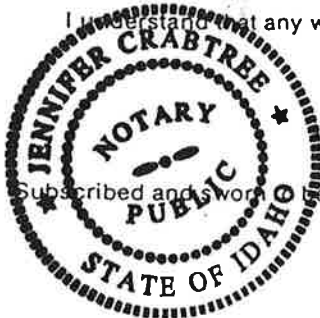
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Ben Carreres
(Signature of Applicant)

Subscribed and sworn before me this 4th day of January, 2000.

Jennifer Crabtree
(Notary Public)

My commission expires 9-23-03

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 2 attachments

Received by HWT Date 1-4-2000 Protest filed by _____

Prelim. check by HWT Fee \$100.00

Receipted by HWT # E025536 Date 1-4-2000

Published in Power County Press Copies of protest forwarded by _____

Pub. dates Feb 9 & 16, 2000 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____